

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 02, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

JOHN DOE,

Plaintiff,

vs.

THE BOARD OF TRUSTEES OF
WHITMAN COLLEGE, a non-profit
corporation,

Defendant.

No. 4:23-CV-05051-MKD

ORDER ON NOTICE OF
DISMISSAL

ECF No. 13, 14

Before the Court is Plaintiff's Notice of Dismissal, ECF No. 14. Fed. R. Civ. P. 41(a)(1)(A)(i) provides that a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Defendant has not filed an answer or a motion for summary judgment. Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) is appropriate.

Accordingly, **IT IS ORDERED:**

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and Plaintiff's Notice of Dismissal, ECF No. 14, all claims are **DISMISSED without prejudice**, without an award of fees or costs.

2. Any pending motions, including ECF No. 13, are DENIED as moot.

3. All hearings and other deadlines are **STRICKEN**.

IT IS SO ORDERED. The District Court Executive is directed to file this Order, provide copies to counsel, and **CLOSE** the file.

DATED May 2, 2023.

s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES DISTRICT JUDGE